

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

April 8, 2004

I. CALL TO ORDER

Chair Jim Denton convened the meeting at 7:00 p.m.

II. ROLL CALL

Van Anderson	Lloyd Baker
Chuck Booth	A. J. Culver
Ethel Hanis	Claudia Hirschey
Roger Loschen	Michael Marchand
Judy Tessandore	

III MINUTES

Regular Meeting: Chair Denton presented the minutes of the Regular Meeting of March 11, 2004 for review and action by the Board members.

Action: Lloyd Baker moved and Judy Tessandore seconded the motion to adopt the minutes of the Regular Meeting of March 11, 2004. The Board voted (9 in favor) to approve this record. Lloyd Baker abstained as he did not attend this meeting.

IV SPECIAL PRESENTATION: AFFORDABLE HOUSING IN KING COUNTY

At the request of the Boundary Review Board, King County Housing Department officials, Allan Johnson and Art Sullivan, Executive Director of ARCH (A Regional Coalition for Housing), provided a presentation on affordable housing in King County.

Mr. Johnson and Mr. Sullivan provided the King County 2003 Affordable Housing Benchmarks Report and materials on ARCH programs.

Mr. Johnson reported that King County considers a commitment to defining requirements for and providing affordable housing to be a central mission of our government. Overall affordability is improving, however, a substantial number of households have either limited access to suitable affordable housing or must pay a significant portion of their income to obtain such housing.

The improved availability of housing is attributed to several programs. For example, more communities are recognizing that it is necessary to provide housing that is affordable to citizens at various income levels. There is a growing number of collaborative efforts among jurisdictions to increase the affordable housing supply. Strategies for improving housing affordability include a greater focus on preservation of existing stock and improving the diversity of housing types – e.g., cottage housing, accessory units, planned unit developments, duplexes, senior housing units. Communities throughout King County – particularly suburban cities in east and south King County – are making noteworthy progress in providing affordable housing.

Governments are investigating changes to permitting rules which could reduce costs while protecting the quality of housing units and related infrastructure. King County and local governments are also exploring funding options for construction and maintenance of housing and for financial support for renters and buyers.

Mr. Johnson and Mr. Sullivan reported that, while there is much yet to be accomplished in the quest for affordable housing in King County, an increasing number of successes in providing quality housing is serving as a catalyst for new activities. Each new activity supports progress toward the County's comprehensive plan goals for housing for the citizens of King County.

V ADMINISTRATION

A. CHAIR'S REPORT

General Business

Chair Denton reported that the Board has been working on several projects, including: (1) coordinating programs with King County Executive/Council 2004 Work Program as it relates to the Boundary Review Board; (2) coordinating efforts with the State Association to develop and implement a program for work with the State Legislature Interim Session and Legislature 2005; and (3) pre-development review for future Notices of Intention. Committee members and staff will report on each of these activities.

B. COMMITTEE REPORTS

Budget Committee: A. J. Culver and Lenora Blauman reported that Board staff has provided the Budget Committee with a draft revision of the Board's Internal Audit Control policies and procedures. The Budget Committee has determined that the revised Internal Control Policies and Procedures are appropriate and sufficient to providing for monitoring of the Board's financial activities. The revised Internal Audit Control Policies and Procedures will be adopted effective immediately.

Legislative Committee: Roger Loschen, Lloyd Baker, and Lenora Blauman provided a closing report on Legislature 2004.

The majority of bills that were of interest to the Association did not become law. However, the House version of the Budget has included an amended version of HB 2805. HB 2805 set up a Blue Ribbon Commission to study the readiness of cities to annex unincorporated lands.

The Legislature, in fact, adopted an Omnibus Budget including a "Study Bill" which calls for CTED to evaluate buildable lands counties to assess progress in achieving annexation. The Study Bill was created by and for King County. (*) However, it is possible that other urban counties (e.g., Pierce, Snohomish, Clark) may wish to be evaluated by CTED. The bill also proposed to streamline the annexation process, and to consider systems that would markedly alter or eliminate the role of the Boundary Review Board.

() Note: Although this bill was proposed by King County officials, the County's Regional Policy Committee 2004 Work Program has defined annexation issues as an extremely low priority -- listed as Issue #12 on a list of 13 issues.*

King County intends that the Study Bill will accomplish the following tasks: (1) provide a measure of the capacity of each city within King County to govern and serve unincorporated urban areas; (2) consider potential tools to tax citizens in order to increase County funding for provision of services until annexation of all urban areas can be accomplished; (3) determine strategies and means to streamline annexation procedures; and (4) address modification to state authorities – including RCW 36.93 (The Board's Enabling Act) and RCW 36.70A (the GMA) – to facilitate annexations. More specifically, King County officials and Association of Washington Cities officials are giving consideration to utilization of the CTED Study as the basis for proposing legislation that could modify – or eliminate – the role of the boundary review board in the evaluation of annexations, incorporations, and, perhaps, other actions.

At the present time, CTED officials are beginning to develop a plan for design and implementation of the Study Bill. There is universal agreement that this Study can be a central tool to define both opportunities and challenges in the annexation process. Our State Boundary Review Board Association is seeking to participate in the Study planning process based upon the fact that the study findings will likely be significant with respect to the future conduct of the public review process for annexations.

Because King County will be the first – and perhaps the sole – County to participate in the Study, our Board may wish to consider whether (and how) to address the planned Study.

Mr. Loschen stated that the Board holds the opinion that the public review process provided by our agency continues to be of value to residents and business owners of King County. The Board also has successfully addressed its mandate for public review in an effective and economic manner. In order to ensure that the Board's value to the community and to the County is recognized, Mr. Loschen stated that the Board may wish to consider formulation and implementation of a plan to support the role of this agency.

Chair Denton invited comment on this matter. Board members shared the following observations:

- The Board does have a stake in the CTED Study process. While the Association has the responsibility to provide a communication link to CTED, our King County Board would be in the best position to convey information and positions to King County.
- The Board may develop several participation strategies and programs for working with King County.

For example, the Board may wish to develop a public relations document to provide to County officials who have an agenda for the future role of our Boundary Review Board.

- The Board should also provide a public relations program – including informational materials and public meetings – to citizens, cities, and special purpose districts to aid these various groups in considering legislation that could have significant effects upon Boundary Review Board authorities and responsibilities.

Board members agreed to consider specific materials and program activities which would be consistent with our legal mandate and would be effective tools for working with County officials and community stakeholders. Opportunity will be provided at the Regular Meeting of May, 2004 for definition and discussion of specific program activities options in support of the public review process provided by the Boundary Review Board.

Mr. Loschen and Mrs. Blauman also reported on programs and activities pending before the State Legislature during the Interim 2004/2005 Session. It was reported that King County officials, the Washington State Association of Counties (WSAC), the Association of Washington Cities (AWC), the special purpose district agencies, the American Planning Association (APA), and the Washington State Boundary Review Board Association are beginning the task of monitoring, proposing, and responding to proposals for legislation which are to be developed during the 2004/5 Interim Session for submittal to Legislature 2005.

The Legislature has not specifically identified annexation as a central issue for study during the Interim Session. However, other topics of interest – including growth management, county and city financing, and local governance issues are paramount on the Legislative agenda. Some legislators have indicated that annexation issues will likely be incorporated into discussions and integrated into bills addressing GMA, county financing, city financing, and/or government function. Such proposals may include changes to (or elimination of) public review processes. The elimination of public review processes could certainly affect boundary review boards.

Additionally, Dave Williams of the Association of Washington Cities believes that there is continuing interest in legislation which will provide for streamlined annexation review. Such legislation would also likely propose modification of the role of the Boundary Review Board.

Roger Loschen and Lenora Blauman reported that the Association has begun to meet to plan for work with the Legislature during the Interim Session and the 2005 Regular Session.

Mr. Loschen reported that the Association's first task was the evaluation of the efforts of the Legislative Team during Legislature 2004. There was unanimous agreement that the Team had worked diligently to monitor and respond to bills proposed to the Legislature in this year. The Association was supported in its efforts by the American Planning Association (APA) Legislative Team and Michael Ryherd, the APA legislative consultant.

Mr. Loschen and Mrs. Blauman stated that while our State Association Legislative Team was successful in 2004, the Team is likely to face a considerably greater challenge in 2005 because annexation issues are predicted to be assigned a more prominent place on the Legislature's agenda.

Further, the State will soon have a new governor, new legislators, and new support staff members. Developing an understanding of the newcomers' agendas, interests, and operations will be key to successful work with the Legislature. That professional rapport would be more easily developed under the tutelage of a professional legislative consultant. Additionally, much of the Legislature's official action results from the information communicated through informal discussions. As Legislature 2005 will include a 120-day session – and is expected to be a challenging election year – it would be very important to have a person who can easily undertake the tasks necessary to provide that informal connection.

Therefore, it will be essential to have a formal plan and staffing support to address the interests of the Association. To that end, Mr. Loschen, Mr. Baker, and Mrs. Blauman will recommend that the Association establish a program for monitoring legislation that is based upon the APA Legislative Program. More specifically, the APA Team meets by conference call each week. The APA hires a professional lobbyist (Michael Ryherd) who provides current listing of bills for each meeting. Those bills which appear central to the interests of the APA are then assigned to team members to provide an analysis of the proposed legislation. The analyses are reviewed by the entire team. The approved documents are utilized by Mr. Ryherd and by team members to provide to the Legislature both written opinions and testimony at hearings before the Legislature.

Our State Association has already signaled plans to monitor House and Senate sessions dedicated to review of annexation process and planning for modification of laws related to annexation. The State Association may also seek a place at the table in order to participate in discussions concerning annexation review.

Our State Association may also employ Mr. Ryherd (or another qualified legislative consultant) to aid in providing formal communications to the Legislature. That agent could also participate in informal discussions with legislators concerning both specific bills and general interests.

The State Association will consider these issues and options at a telephone conference on April 20, 2004.

C. EXECUTIVE SECRETARY'S REPORT

Annual Briefing: Lenora Blauman and Chuck Booth reported on the Annual Briefing to the King County Council Committee of the Whole (March 15, 2004.) The Briefing was coordinated by Mrs. Blauman.

The presentation was expanded beyond the customary Annual Boundary Review Board Briefing in order to provide the Council with a contextual picture of current annexation law and annexation review process. The Briefing also provided information about the plans for implementation of the King County Annexation Initiative (for promotion of near term

annexation of all urban unincorporated areas) under various laws, guidelines, and procedural standards. The presentation included the following topics:

- King County Budget Overview – Presenter: Shelley Sutton, Council Staff
- Legal Policies Authorities for Annexation – Growth Management Act, King County Comprehensive Plan – Presenter: Lauren Smith, Council Staff
- King County Annexation Initiative – Presenters: Michael Thomas and Karen Reed, Office of the Executive
- Role of the Boundary Review Board – Presenters: Chuck Booth and Lenora Blauman
- Opportunities for State, County, and Local Authorities to Work Together to Ensure Appropriate Governance of Urban Areas – Presenters: Lenora Blauman and Karen Reed

The Briefing was well received by Council members and Council staff. Council members requested future briefings by the Office of the Executive to provide more detailed information concerning the links between financial resources and service provision to unincorporated areas and incorporated areas. These briefings will also include more extensive discussion concerning various impacts upon County service departments (e.g., levels of service, levels of employment) anticipated to result from annexations.

The next briefing on the budget/service link is scheduled for April 23, 2004. That briefing will be directed to County Council staff.

King County Annexation Initiative: Mrs. Blauman reported that the King County Executive's Office is working actively to implement the Annexation Initiative. Executive staff teams have been meeting with officials of various cities and special purpose districts to encourage those jurisdictions to begin to plan for and implement the annexation of lands within their Potential Annexation Areas.

The Team is currently meeting with Seattle, Renton, Federal Way, Tukwila, Kirkland, Redmond, and Sammamish. The Executive staff reports some success in generating commitment among these jurisdictions for proposing annexations of substantial areas in the short-term and reasonable interest in longer-term annexation of entire Potential Annexation Areas.

For example, Seattle is interested in annexing North Highline and West Hill. Community surveys have provided diverse responses to proposed annexation to Seattle. The City is exploring the benefits and costs of annexation but will not proceed with any specific annexation proposals in 2004.

Mrs. Blauman reported that she has been invited to participate on the County's Annexation Initiative Planning Team. She reported that the Team members are aware that our role must be limited – e.g., based upon the Board's status as an independent review body, she may not advocate for particular actions.

Mrs. Blauman is active in two Team programs. More specifically, she has participated in:

- An Orientation Program for King County Department/Division Officials and Staff Members.

This program introduces the Annexation Initiative and presents a listing of possible effects upon the County – and its employees – related to annexation of the remaining urban unincorporated area. The presentation team endeavors to aid the County department officials and staff in defining and planning for such changes to their units.

For example, when land is annexed to a local jurisdiction, that jurisdiction will customarily begin to provide services (e.g., sewer service, water service) to the citizens. At that time, the County can concomitantly reduce its service obligations. That reduction in service obligation may change standards for structure and function – e.g., reduced staffing requirements.

- Annexation Initiative Information Meetings with Local Jurisdictions.

In Annexation Initiative Information Meetings, the representatives from the Executive's Office of Management and Budget provide information concerning the Initiative. Team members work with the jurisdiction to encourage the near term annexation of large areas -- ideally, the annexation of entire Potential Annexation Areas.

Mrs. Blauman provides information to direct officials to applicable legal authorities and guidance concerning procedural requirements for application to and evaluation by the Board.

For example, the Team recently met with one suburban city whose officials are amenable to considering an ambitious annexation program including encouragement of citizens to seek annexation, some annexation by resolution of island areas, and some annexations by interlocal agreement. If necessary, the city would be amenable to advancement of the annexation process either by invoking jurisdiction or by supporting the County's invocation of jurisdiction.

Chair Denton invited comment on this matter. Board members confirmed the value of the Board staff's participation in the King County Annexation Initiative Outreach Program. There was general consensus that the Board -- to the extent permitted by the law that establishes our agency as an independent agency -- should be actively encouraging the development of programs and systems that would streamline the annexation process. Such programs and systems might include the expansion of the existing pre-application services program, increased presence at public meetings, the coordination of community information meetings, and the support of legislation which simplifies the annexation process while protecting public review elements of the law.

The Board will discuss opportunities and options for such programs and systems at the May 2004 Regular Meeting. At that meeting, the Board will request that Robert Kaufman, Special Assistant Attorney General, consider the authorities available to the Board and the restrictions applicable to the Board in the development and implementation of outreach programming.

D. CORRESPONDENCE

Chair Denton invited comment upon correspondence relating to the status of the filing by Fire District No. 12 of a Motion for the State Supreme Court to reconsider its recent decision to reverse its opinion in the matter of Grant County v. City of Moses Lake.

Lenora Blauman, reporting on behalf of Robert Kaufman, stated that the City of Yakima has provided an Answer to the Appellants Motion for Reconsideration. This briefing essentially contends that the issues delineated by the Fire District are not relevant to the matter.

Other briefings are likely to be submitted to the Court in the near future. Mr. Kaufman will speak about the matter at the May 2004 Regular Meeting of the Board.

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Other correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

V. NEW BUSINESS

A. NOTICES OF INTENTION

File No. 2167: Southwest Suburban Sewer District – Normandy Park Sewer Area Annexation:

Mrs. Blauman provided a brief description of the Notice of Intention. At the request of the City of Normandy Park, the SSSWSD is proposing to annex approximately 65% of the City to provide sewer service. The District already serves the major portion of the City. There is a small area within the City (at its southern boundary) which is served by Midway Sewer

District. The area will not be affected. Midway has been invited to comment on this proposal but has not provided a response. There has been no objection by citizens or by King County officials. The comment period closes for this file on April 22, 2004.

Board members requested information concerning citizen interest in this annexation. Mrs. Blauman reported that a citizen group had initiated the request for annexation. There was an inquiry about currently available sewer services in the annexation area. Much of the area receives sewer services, however, there are properties which are insufficiently served and those which are on septic systems.

There were no questions or concerns identified with respect to the substance of the Notice of Intention.

B. PENDING FILES

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|--------------------|-------------------------|
| - Auburn | - Covington |
| - Kent | - Ronald Sewer District |
| - Woodinville | - Kirkland |
| - Federal Way | - Redmond |
| - Renton (5 files) | - Snoqualmie |
| - Tukwila | |

VI. ADJOURNMENT

Action: Van Anderson moved and Chuck Booth seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:50 p.m.